REMARKS

Summary of the Office Action

In the Office Action, claims 1, 4, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,311,509 to *Heddes et al.* ("*Heddes*"); claims 2, 3, 5-7, 9, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Heddes* in view of U.S. Patent No. 6,088,359 to *Wicklund et al.* ("*Wicklund*"); and claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Heddes* in view of *Wicklund* as applied to claim 9 above, and further in view of U.S. Patent No. 5,124,978 to *Chao*.

Summary of the Response

In this response, Applicants have replaced the original specification with a substitute specification (as well as a marked-up version in the Appendix attached hereto) to correct typographical errors; amended figures 8, 9, and 14 to correct typographical errors; and traversed the rejection of claims 1-14 because none of the applied references, either singly or in combination, teaches or suggests the claimed invention.

Substitute Specification

Applicants note that due to typographical errors, the Figure numbers and their description in the specification do not match with the drawings shown. This mismatch between the figure numbers in the specification and the figure numbers in the drawings permeates throughout the written description causing the first number of the reference numbers in the specification to lag behind the first number of the reference numbers in the figures by 1 or 2 numbers. For example,

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figure 8 shows clock processor "840," while the specification at page 21, line 14, refers to clock processor "640."

Therefore, pursuant to 37 C.F.R. §§ 1.121(b)(3) and 1.125(b), Applicants have elected to amend the specification to include the same reference numbers as the figures by submitting a substitute specification. Applicants also updated the status of the related applications listed on page 1 of the specification. The substitute specification includes no new matter. Applicants have submitted a compare version of the substitute specification, marked up to show all changes relative to the previous version of the specification. The changes are shown by brackets (for deleted matter) and underlining (for added matter).

Drawings

As originally filed, figures 8 and 9 misidentified the "Microprocessor" as reference number "810" and figure 14 misidentified the inter-node switch as reference number "310." The correct reference number for the microprocessor is "830" and for the inter-node switch is "410." Figures 8, 9, and 14 have been amended, in red ink, to correct these typographical errors.

Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1, 4, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Heddes*. Applicants traverse this rejection and respectfully request that this rejection be withdrawn because *Heddes* does not teach the subject matter recited in these claims.

As pointed out in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Claim 1 relates to a network for transporting data from an originating port to a destination port and recites a combination of features including at least one controller, each

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controller including means for receiving data in time division multiplex (TDM) format from an originating port, and means for mapping the TDM data into fixed-length packets, wherein the TDM data is written into a predetermined packet slot permanently assigned to the originating port; and a switching element connected to the one or more controllers including means for receiving the packets from the one or more controllers, and means for separately switching the data in each packet slot received from the controllers into a packet slot preassigned to the destination port.

Heddes does not teach these combination of features. For example, *Heddes* does not teach at least a controller that includes means for mapping the TDM data into fixed-length packets, *wherein the TDM data is written into a predetermined packet slot permanently assigned to the originating port* or a switching element that includes means for separately switching the data in each packet slot received from the controllers *into a packet slot preassigned to the destination port*, as recited in claim 1.

Heddes also does not teach every feature recited in claim 4. Claim 4 relates to a non-blocking network for transporting packet data from an originating port to a destination port and recites a combination of features including at least one controller connected to plural ports, wherein each controller includes an interface to receive time division multiplex (TDM) data from an originating port and a state machine to write the TDM data into a packet slot assigned to the originating port; and a switching element including an interface to receive packet data from the one or more controllers and a switching circuit to switch the TDM data in the packet slot assigned to the originating port into an outgoing packet slot assigned to the destination port.

Heddes does not teach at least this combination of features. For example, *Heddes* does not teach at least a controller that includes a state machine to write the TDM data *into a packet*

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slot assigned to the originating port or a switching element that includes a switching circuit *to switch the TDM data in the packet slot assigned to the originating port into an outgoing packet slot assigned to the destination port*, as required by claim 8.

Moreover, *Heddes* does not teach every feature recited in claim 8. Claim 8 relates to a node controller and recites a combination of features including means for receiving packet data from the plural access controllers, and means for separately switching each slot in the packet data received from the plural access controllers into a packet slot preassigned to the destination port.

Heddes does not teach at least this combination of features. For example, *Heddes* does not teach at least a node controller that includes *means for separately switching each slot in the packet data received from the plural access controllers into a packet slot preassigned to the destination port*, as recited in claim 8.

In rejecting claims 1, 4, and 8, however, the Examiner alleged that *Heddes* discloses a controller that includes "means for mapping the TDM data into fixed-length packets, wherein the TDM data is written into a predetermined packet slot permanently assigned to the originating port" and a switching element that includes "means for separately switching the data in each packet slot received from the controllers into a packet slot preassigned to the destination port." (Office Action, page 2). Applicants respectfully disagree because *Heddes* does not teach the above-mentioned features. While *Heddes* may teach a controller, it does not teach a controller that includes means for mapping the TDM data into fixed-length packets, wherein the TDM data is written into a predetermined packet slot permanently assigned to the originating port. Similarly, while *Heddes* may teach a switching element, it does not teach a switching element that includes means for separately switching the data in each packet slot received from the controllers into a packet slot preassigned to the destination port. Therefore, Applicants

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respectfully request that the rejection of claims 1, 4, and 8 under 35 U.S.C. § 102(e) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 2, 3, 5-7, 9, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Heddes* in view of *Wicklund* and claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Heddes* in view of *Wicklund* as applied to claim 9 above, and further in view of *Chao*. Applicants traverse these rejections and respectfully request that these rejections should be withdrawn because a *prima facie* case of obviousness has not been made by the Examiner.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. (*See* M.P.E.P. §2143.03 (8th ed. 2001)). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, and not be based on applicant's disclosure." (M.P.E.P. §2143.03 (8th ed. 2001)).

With respect to claim 9, it relates to a switching element connected to one or more controllers and a call server and recites a combination of features including an interface to receive incoming ATM cells from the one or more controllers, a microprocessor to receive octet switching directions from the call server on how to individually switch each octet in the incoming ATM cells into outgoing ATM cells; and a time switch processor to switch each octet

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in the incoming ATM cells into outgoing ATM cells in response to the octet switching directions. None of the applied references, including *Heddes* and *Wicklund*, either singly or in combination, teaches or suggests this combination of features.

For example, neither *Heddes* nor *Wicklund* teaches or suggests a switching element that includes *a microprocessor to receive octet switching directions from the call server on how to individually switch each octet in the incoming ATM cells into outgoing ATM cells* and *a time switch processor to switch each octet in the incoming ATM cells into outgoing ATM cells in response to the octet switching directions*, as recited in claim 9. Therefore, claim 9 is allowable.

Regarding claim 13, claim 13 relates to a method for establishing a switching path between an originating port and a destination port in a network having a call server and plural controllers and recites a combination of features including receiving from the plural controllers packets in which data from the originating port is located in a particular packet slot assigned to the originating port; receiving a first message from the call server; and switching the data in the packet slot assigned to the originating port into a packet slot assigned to the destination port in response to the first message from the call server. None of the applied references, including *Heddes* and *Wicklund*, either singly or in combination, teaches or suggests this combination of features.

For example, neither *Heddes* nor *Wicklund* teaches or suggests receiving from the plural controllers packets in which *data from the originating port is located in a particular packet slot assigned to the originating port* or switching the data in the packet slot assigned to the originating port *into a packet slot assigned to the destination port* in response to the first message from the call server, as recited in claim 13. Therefore, claim 13 is allowable.

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Claims 2, 3, 5-7, 10-12, and 13-14 are also allowable at least because of their dependency on claims 1, 4, 9, or 13, which are allowable for the reasons set forth above.

Finally, Applicants respectfully submit that the Examiner has pieced together references in an attempt to reconstruct the features recited in claims the claims of the present application. MPEP § 2143.01 instructs, however, that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." It further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" Applicants respectfully submit that none of the applied references, including *Heddes*, *Wicklund*, and *Chao*, provide such a suggestion or a motivation. Moreover, it is apparent that such piecing together of the references is based on improper hindsight based on Applicants' own disclosure. Therefore, Applicants respectfully request withdrawal of the rejection of claims 2, 3, 5-7, 9-12, 13, and 14 under 35 U.S.C. § 103(a).

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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